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18 Attorneys for Plaintiffs
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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN JOSE DIVISION
23

24 ANGEL FRALEY; PAUL WANG; SUSAN
25 MAINZER; JAMES H. DUVAL, a minor, by
26 and through JAMES DUVAL, as Guardian ad
27 Litem; and W.T., a minor, by and through
28 RUSSELL TAIT, as Guardian ad Litem;
individually and on behalf of all others similarly
situated,

Case No. CV 11-01726 RS

DECLARATION OF KEVIN M.
OSBORNE IN SUPPORT OF
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL

Courtroom: 3
Judge: Hon. Richard Seeborg

29 Plaintiffs,
30
31 v.
32
33 FACEBOOK, INC., a corporation; and DOES 1-
34 100,
35
36 Defendants.
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1 I, KEVIN M. OSBORNE, declare and state as follows:

2 1. I am an attorney licensed to practice before all the courts of the State of California
3 and I am admitted to practice before this Court. I am an attorney for Plaintiffs in this action. I
4 have personal knowledge of the facts stated in this declaration, and if called upon to testify,
5 could and would competently testify thereto. I make this Declaration in support of the
6 Administrative Motion to File under Seal.

7 2. The parties to this action have entered into a Stipulated Protective Order for
8 Litigation Involving Highly Confidential Information and/or Trade Secrets. The Order was
9 approved and signed by counsel for both parties on August 23, 2011 and Magistrate Judge Paul
10 S. Grewal on September 15, 2011.

11 3. Counsel for Plaintiffs designated portions of the following depositions as
12 "Confidential." Excerpts of the confidential information is included in Defendant's Motion for
13 Preliminary Approval in redacted form. Defendant's Administrative Motion to File Under Seal
14 moves to file those portions of following under seal.

15 • Redacted portions of the deposition testimony of James Duval;
16 • Redacted portions of the deposition testimony of W.T.;
17 • Redacted portions of the deposition testimony of Russell Tait.

18 True and correct copies of these documents were lodged with the Court by Defendant along
19 with its Motion for Preliminary Approval and Administrative Motion to File Under Seal in a
20 separate envelope pursuant to Civil Local Rule 79-5.

21 4. Counsel for Plaintiffs designated the deposition testimony of non-party witness
22 Angel Fraley under seal as well as all exhibits thereto. The confidential documents are
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1 included in Defendant's Motion for Preliminary Approval. Defendant's Administrative Motion
2 accompanying this Declaration moves to file the following under seal in their entirety.

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- 4 • The deposition testimony of Angel Fraley (Exhibit F to Defendant's Motion);
- 5 • Ex. 1037 to the deposition testimony of Angel Fraley;
- 6 • Ex. 1042 to the deposition testimony of Angel Fraley;
- 7 • Ex. 1050 to the deposition testimony of Angel Fraley.

8 True and correct copies of these documents were lodged with the Court by Defendant along
9 with its Motion for Preliminary Approval and Administrative Motion to File Under Seal in a
10 separate envelope pursuant to Civil Local Rule 79-5.

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12 5. I declare under the penalty of perjury and under the laws of the United States of
13 America that the forgoing is true and correct and based upon my personal knowledge and/or
14 professional opinions, and that if called upon to testify, I could verify the accuracy of the same.
15 This document was executed in the city of San Francisco, California on October 12, 2012.

16

17 By: 

18 KEVIN M. OSBORNE

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28 **DECLARATION OF KEVIN M. OSBORNE IN SUPPORT OF ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**
Case No. CV 11-01726 RS